

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

ERNESTO BODON, KEVIN CURRY
& DONNA ANNUNZIATO,

Plaintiffs,
- against -

DOMINO'S PIZZA, INC.,

ORDER

1:09-cv-02941-SLT-RLM

Defendants.

-----X

TOWNES, United States District Judge,

Plaintiffs Ernesto Bodon, Kevin Curry, and Donna Annuziato (collectively, "plaintiffs") bring this putative class action against Domino's Pizza LLC, asserting claims under New York Labor Law. Now before this Court is the June 25, 2014 Report and Recommendation of Magistrate Judge Roanne L. Mann on plaintiffs' motion for certification of a settlement-only class.

Within fourteen days of service of a Magistrate Judge's Report and Recommendation, any party may file written objections to the Magistrate Judge's report. *See* 28 U.S.C. § 636(b)(1). Where, as here, there have been no objections, the Court is not required to review the factual or legal conclusions of the Magistrate Judge. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. *See* 28 U.S.C. § 636(b)(1); *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

In this case, Judge Mann recommends that this Court grant plaintiff's motion for certification of a settlement-only class and issue an order:

- (1) Certifying the proposed Settlement Class, pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure
- (2) Appointing Kevin Curry and Donna Annuziato as class representatives;

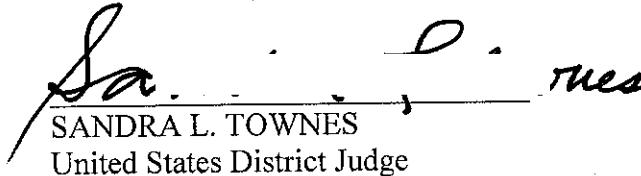
- (3) Appointing attorneys George Hanson and Ashlea Schwartz of Stueve Siegal Hanson LLP and attorney Mark Potashnick of Weinhaus & Potashnick as counsel for the settlement class, pursuant to Rule 23(g);
- (4) Approving, preliminarily, the Agreement;
- (5) Approving the Short Form Notice and Claim Form and the Long Form Notice;
- (6) Directing that notice be disseminated in the manner set forth in the Agreement; and
- (7) Setting a schedule for notice, opt-outs, objections, and a hearing for final approval of the Agreement.

CONCLUSION

Judge Mann's June 25, 2014 Report and Recommendation is affirmed. Plaintiffs' motion for certification of a settlement-only class is granted and the proposed class, as defined in Judge Mann's Report and Recommendation, is certified pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure. Kevin Curry and Donna Annuziato shall service as class representatives. Attorneys George Hanson and Ashlea Schwartz of Stueve Siegal Hanson LLP and Mark Potashnick of Weinhaus & Potashnick are appointed as counsel for the settlement class pursuant to Rule 23(g). The Court preliminarily approves the Agreement, the Short Form Notice and Claim Form and the Long Form Notice. (Docket No. 186 and Exhibits.)

This matter is respectfully referred to Judge Mann to oversee the dissemination of the notice in the manner set forth in the Agreement and to set a schedule for notice, opt-outs, objections, and a hearing for final approval of the Agreement.

SO ORDERED



SANDRA L. TOWNES
United States District Judge

Dated: Brooklyn, New York
July 17, 2014